Amendments to the Drawings:

A formal drawing, i.e. Replacement Figure 1, is submitted herewith under a Separate Letter to the Draftsperson. For the convenience of the Examiner, a copy of the formal drawing is attached with this amendment.

Attachment: Replacement Figure 1

REMARKS

Status of the Claims:

The final Office Action dated July 28, 2005 has been received and reviewed by the applicant.

Claims 1, 2, 5 and 6 are pending in the application and are rejected in the final Office action.

This response seeks to convince the Examiner to remove the final rejection, or failing that to place the claims in better form for appeal by better defining the issue for appeal in regard to the rejection.

The foregoing amendments and the following remarks are believed to be fully responsive to the final Office Action, and are believed to place the application in condition for allowance.

Claim Rejection - 35 USC § 102

Claims 1-2, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Chevallier (US 6,879,340).

Claim Rejection - 35 USC § 103

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chevallier (US 6,879,340) in view of Schinner (US Application No. 2003/0052984).

The amendment to claims 1 and 5 should be entered.

Claim 1 as proposed to be amended is as follows:

1. An image capture device for capturing an image after startup of the image capture device, comprising:

an image sensor for image capture, including an active register that manages the image sensor during image capture; and

a non-volatile, programmable memory connected to the image sensor, that is storing predetermined variables determined according to a specific use of the image capture device and that passes the predetermined variables to the active register upon startup of the image capture device so that the active register can use the predetermined variables to manage the image sensor during image capture.

Claim 5 as amended is a method claim corresponding to claim 1, so that the remarks which follow equally apply to both claims.

The proposed amendment to claims 1 and 5 are offered in the spirit of convincing the Examiner to remove the final rejection, or failing that to place

the claims in better form for appeal by better defining the issue for appeal in regard to the rejection.

The Examiner has misconstrued Chevallier as applied to claims 1 and 5.

In Chevallier, the non-volatile memory 34, instead of storing the compressed images as described in column 4, lines 24-30, can be used to store "program code information" as described column 4, lines 31-41. The Examiner then takes the position that the non-volatile memory 34 *a non-volatile, programmable memory connected to the image sensor, that is storing predetermined variables determined according to a specific use of the image capture device and that passes the predetermined variables to the active register upon startup of the image capture device so that the active register can use the predetermined variables to manage the image sensor during image capture.* However, there is no clear teaching in Chevallier:

1. that the non-volatile memory 34 passes the predetermined variables (program code information) to the active register (vertical and horizontal shift registers 82 and 84);

2. that this is done upon startup of the digital camera system 5; and

3. that the predetermined variables (program code information) are determined according to a specific use of the digital camera system 5.

In addition, it is noted in Chevallier at column 4, lines 38-40, that the program code information can be firmware for controlling "specific sensitivities of the imager field". However, this excerpt was not relied on by the Examiner in the rejection of claims 1 and 5. In any event, the excerpt does not teach the claim features "1.", "2." and "3." described above in the preceding paragraph.

Accordingly, the rejection of claims 1 and 5 should be removed.

Claims 2 and 6 as proposed to be amended should be allowed.

Amended claims 2 and 5 depend from claims 1 and 5 and, as such, should be allowed at least for the same reasons (above) that claims 1 and 5 should be allowed.

It is noted that in Schinner the non-volatile programmable memory 127 does not perform the claim features "1.", "2." and "3.", which as described above are also lacking in Chevallier.

Moreover, in Schinner the non-volatile programmable memory 127 is erasable and therefore is not a "one-time" programmable memory as in amended claims 2 and 6.

Accordingly, the rejection of claims 2 and 6 should be removed.

Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,
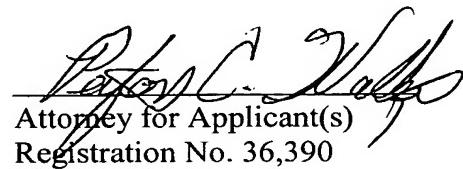
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.